



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: November 16, 2011

Time: Closed Session 6:00 p.m.  
Regular Meeting 7:00 p.m.

\*and via conference call:  
Sheraton Hotel & Marina,  
1380 Harbor Island Drive,  
San Diego, CA 92101

For information regarding this Agenda please contact:

**Randi Johl, City Clerk**  
**Telephone: (209) 333-6702**

6:55 p.m. Invocation/Call to Civic Responsibility. Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

*NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

### **C-1 Call to Order / Roll Call**

### **C-2 Announcement of Closed Session**

- a) Conference with Stephen Schwabauer, City Attorney, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Conference with Stephen Schwabauer, City Attorney (Labor Negotiator), Regarding Police Mid-Managers, Lodi Police Officers Association, and Lodi Police Dispatchers Association Pursuant to Government Code §54957.6
- c) Government Code Section 54956.9(b)(c); Exposure to Litigation; Lodi Unified School District v. City of Lodi Regarding Alleged Utility Overcharges

### **C-3 Adjourn to Closed Session**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### **C-4 Return to Open Session / Disclosure of Action**

#### **A. Call to Order / Roll Call**

#### **B. Presentations – None**

#### **C. Consent Calendar (Reading; Comments by the Public; Council Action)**

- C-1 Receive Register of Claims in the Amount of \$9,199,336.53 (FIN)
- C-2 Approve Minutes (CLK)
  - a) October 19 and November 2, 2011 (Regular Meetings)
  - b) November 1 and 8, 2011 (Shirtsleeve Sessions)
- C-3 Accept Quarterly Report of Purchases Between \$5,000 and \$20,000 (CM)
- C-4 Approve Specifications and Authorize Advertisement for Bids for City of Lodi Facility Painting Project at Various Locations (PW)
- C-5 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount and Padmount Transformers (EUD)

- Res. C-6 Adopt Resolution Approving the Purchase of a Replacement Bucket Truck from Altec Industries, Inc., of Dixon (\$95,405) (EUD)
- Res. C-7 Adopt Resolution Authorizing the City Manager to Execute Purchase Order with Downtown Ford Sales, of Sacramento, for 2011 Ford F550 Truck and Utility Bed (\$88,823.95) (PW)
- C-8 Accept Improvements Under Contract for Kofu Park Community Building Energy Efficiency Project (PW)
- Res. C-9 Adopt Resolution Authorizing the City Manager to Execute Improvement Deferral Agreement for 27 East Locust Street (PW)
- Res. C-10 Adopt Resolution Authorizing the City Manager to Execute Third Supplemental Agreement to Pixley Park Property Exchange Agreement and Improvement Agreement with GFLIP III, L. P., to Provide Time Extension (PW)
- Res. C-11 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 32 with West Yost Associates, of Davis, for Preparation of the City's Report of Waste Discharge (\$33,100) (PW)
- Res. C-12 Adopt Resolution Ratifying Employment Agreement Entered Into Between the City of Lodi and Lawrence R. Rooney (CM)
- Res. C-13 Adopt Resolution Authorizing the City Manager to Amend the Energy Efficiency Financing Program (EUD)
- C-14 Receive Report Regarding Communications Pertaining to the California High-Speed Rail Authority and American Recovery and Reinvestment Act Funding (CLK)
- C-15 Set Public Hearing for December 21, 2011, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates (PW)

**D. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**E. Comments by the City Council Members on Non-Agenda Items**

**F. Comments by the City Manager on Non-Agenda Items**

**G. Public Hearings**

- G-1 Public Hearing to Consider Unmet Transit Needs in Lodi (PW)
- Res. G-2 Public Hearing to Consider Adopting Resolution Confirming the 2012 Annual Report and Levy of Assessments within the Lodi Tourism Business Improvement District (CM)
- Ord. G-3 Public Hearing to Introduce an Ordinance Establishing a Fee Recovery Schedule for the Lodi Energy Theft Diversion Program (EUD)  
(Introduce)

**H. Communications**

- H-1 Post for Vacancy on the Lodi Animal Advisory Commission (CLK)

Pulled H-1

**I. Regular Calendar**

- Res. I-1 Adopt Resolution Authorizing the City Manager and Treasurer to Execute Agreements for Remit Plus Software, Merchant Card Services, and Remote Deposit Services with Jack Henry and Associates, Inc., Elavon, Inc., and Farmers & Merchants Bank of Central California and Direct City Manager and Treasurer to Negotiate a Banking Services Contract with Farmers & Merchants Bank (CM)

**J. Ordinances – None**

**K. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Randi Johl  
City Clerk

**Nicole Brucker**

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**From:** Nicole Brucker  
**Sent:** Friday, November 11, 2011 10:31 AM  
**To:** 'john.ford@sheraton.com'  
**Subject:** City of Lodi Agenda for Posting  
**Attachments:** 11-16-11agn.pdf; Posting Letter- Sheraton.pdf

Mr. Ford,

Attached is a letter of explanation of our request for posting an agenda 72 hours prior to our Council Member, JoAnne Mounce, attending the City of Lodi's City Council meeting via conference call from the Sheraton. Also attached is the agenda required by law for posting. Thank you for your assistance. We really appreciate your cooperation in this matter.

Could you please reply to my email to let me know that you received this information? Thank you.

If you have any questions, please call or email me at [nbrucker@lodi.gov](mailto:nbrucker@lodi.gov) or (209)333-6702.

Have a wonderful day!

**Nicole Brucker**  
**Support Worker**  
**City of Lodi**  
**(209)333-6702**

11/11/2011

CITY COUNCIL

BOB JOHNSON, Mayor  
JOANNE MOUNCE,  
Mayor Pro Tempore  
LARRY D. HANSEN  
PHIL KATZAKIAN  
ALAN NAKANISHI

# CITY OF LODI

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KONRADT BARTLAM  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

November 10, 2011

John Ford  
Sheraton Hotel & Marina  
1380 Harbor Island Drive  
San Diego, CA 92101

**VIA Facsimile (619) 291-2900 and Email ([john.ford@sheraton.com](mailto:john.ford@sheraton.com))**

SUBJECT: Ralph M. Brown Act – Government Code Notice Posting

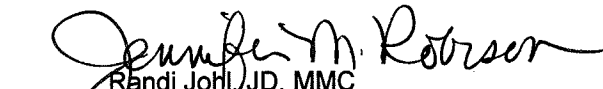
Dear John:

Pursuant to our earlier conversation today, attached please find a copy of the Agenda for the November 16, 2011 Lodi City Council meeting. As we discussed, Council Member JoAnne Mounce will be attending this meeting via conference call while she is staying as a guest at your hotel during League Leaders. She will be participating from the lobby area using her cellular phone.

We ask that you please post the attached agenda in a prominent location, preferably the front doors near the lobby area, at least 72 hours **prior** to the meeting (6:00 p.m. on Sunday, November 13, 2011). The notice can be removed immediately **after** the meeting. Please note that this requirement is mandated by the California Government Code.

Thank you for your assistance and please feel free to contact me and/ or Jennifer Robison in my office if you have any questions regarding this matter.

Sincerely,

  
Randi Johl, JD, MMC  
City Clerk